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4 **UNITED STATES DISTRICT COURT**

5 **NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION**

6 EAST BAY FLOORCOVERING,
7 INC., on behalf of itself and all others
8 similarly situated,

9 Plaintiff,

10 vs.

11
12 HICKORY SPRINGS
13 MANUFACTURING COMPANY,
14 VALLE FOAM INDUSTRIES, INC.,
15 DOMFOAM INTERNATIONAL,
16 INC., THE CARPENTER COMPANY,
17 THE WOODBRIDGE GROUP,
18 FLEXIBLE FOAM PRODUCTS, INC.,
19 SCOTTDDEL INC., FOAMEX
20 INNOVATIONS, INC., FUTURE
21 FOAM, INC., VITAFOAM
22 PRODUCTS CANADA LIMITED,
23 VITAFOAM, INC.,

24 Defendants.

CASE NO. 4:10-CV-05045-DMR

CLASS ACTION

**~~[PROPOSED]~~ ORDER FOR THE
EXTENSION OF TIME FOR THE
DEFENDANTS VITAFOAM
PRODUCTS CANADA LIMITED
AND VITAFOAM, INC. TO MOVE,
ANSWER OR OTHERWISE
RESPOND TO PLAINTIFF'S
COMPLAINT**

Assigned to the Honorable Donna M.
Ryu

25 PURSUANT TO the "Stipulation for Extension of Time for Defendants
26 Vitafoam Products Canada Limited and Vitafoam, Inc. to Move, Answer or
27 Otherwise Respond to Plaintiff's Complaint," filed by and between Defendants
28 Vitafoam Products Canada Limited and Vitafoam, Inc. ("Vitafoam Defendants")
and Plaintiff East Bay Floorcovering, Inc. ("Plaintiff"), and good cause having been
shown, the Court HEREBY ORDERS AS FOLLOWS:

~~PROPOSED~~ ORDER FOR EXTENSION OF TIME FOR VITAFOAM DEFENDANTS TO MOVE, ANSWER OR
OTHERWISE RESPOND TO PLAINTIFF'S COMPLAINT

1 1. Vitafoam Defendants shall not be required to move, answer or
2 otherwise respond to the individual Complaint filed in the above-captioned case
3 pending resolution of the Conditional Transfer Order entered by the US Judicial
4 Panel on Multidistrict Litigation (“MDL Panel”) in *In re Polyurethane Foam*
5 *Antitrust Litigation* (MDL No. 2196);

6 2. Upon transfer of the above-captioned case by the MDL Panel,
7 Vitafoam Defendants shall have until forty-five (45) calendar days after the filing of
8 a Consolidated and Amended Complaint in the transferee court, and service of such
9 Consolidated and Amended Complaint upon Defendants, to move, answer, or
10 otherwise respond to the Consolidated and Amended Complaint;

11 3. If the above-entitled case is not transferred and consolidated by the
12 MDL Panel, Vitafoam Defendants shall have until forty-five (45) calendar days after
13 the entry of an order granting the motion to vacate the Conditional Transfer Order to
14 move, answer or otherwise respond to the Complaint; and

15 4. Vitafoam Defendants shall be deemed served with the Complaint in the
16 above-captioned case and waive any objection(s) to the sufficiency of service of the
17 Plaintiff’s Summons and Complaint in the above-captioned case upon entry of this
18 Order.

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20 **IT IS SO ORDERED**

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23 DATED: December 16, 2010

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26 Donna M. Ryu
27 Magistrate Judge, United States District Court
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